

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 JAMES C. STRINGER,

No. CIV S-04-0551-LKK-CMK-P

12 Petitioner,

13 vs.

ORDER

14 MICHAEL HARRISON, et al.,

15 Respondents.
16 _____/

17 Petitioner, a state prisoner proceeding with appointed counsel, brings this petition
18 for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 5, 2006, the court issued
19 findings and recommendations. In light of the Supreme Court's February 28, 2007, decision in
20 Whorton v. Bockting, ___ U.S. ___ (Feb. 28, 2007), which overruled the Ninth Circuit's
21 decision in Bockting v. Bayer, 399 F.3d 1010, as amended on denial of rehearing by 408 F.3d
22 1127 (9th Cir. 2005), it is appropriate for the court to reconsider petitioner's hearsay claim.

23 ///

24 ///

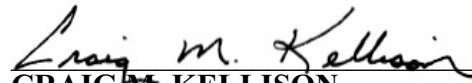
25 ///

26 ///

1 Therefore, the findings and recommendations are hereby vacated and amended findings and
2 recommendations will be issued separately.

3 IT IS SO ORDERED.

4
5
6 DATED: March 2, 2007.

7
8 
9 **CRAIG M. KELLISON**
UNITED STATES MAGISTRATE JUDGE